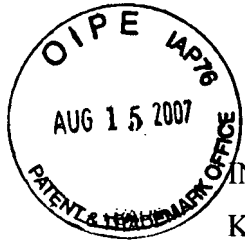


*DAC* *TM*

ATTORNEY DOCKET NO. 50009USNP1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

CONFIRMATION NO: 5142

KATAGIRI et al.

U.S. SERIAL NO: 09/887,272

FILING DATE: June 23, 2001

TITLE: PLANT GENES INVOLVED IN DEFENSE AGAINST PATHOGENS

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RENEWED PETITION UNDER 37 CFR § 1.137(b)**

ATTN: Office of Petitions

This is in response to the decision on petition under 37 CFR 1.137(b) mailed August 6, 2007, which has a shortened statutory time set to expire on October 6, 2007.

The United States Patent and Trademark Office indicated that a grantable petition pursuant to 37 CFR § 1.137(b) must be accompanied by (1) the required reply, unless previously filed; 2) the petition fee as set forth under 37 CFR § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and 4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The decision on the petition under 37 CFR 1.137(b) mailed August 6, 2007 indicated that Applicant has not satisfied item (1) the required reply, unless previously filed.

Accordingly, Applicant provides herewith a copy of the Filing Receipt dated March 5, 2007 for the continuing application indicating a filing date of January 16, 2007 and a Serial No. of

11/654,358 in response to the decision on the petition under 37 CFR 1.136(b).

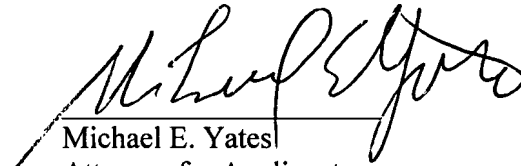
Applicant believes that the evidence submitted in response to item (1) now fully satisfies the requirements for a petition under 37 CFR § 1.137(b) and respectfully requests that the Petition Under 37 CFR 1.137(b) be GRANTED.

Applicant believes there are no fees required for this response. However, the Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 50-1744 in the name of Syngenta Biotechnology Inc.

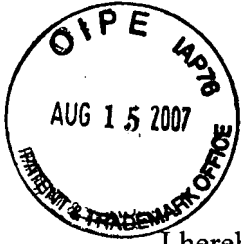
If there are any questions, Applicant respectfully requests that the undersigned attorney be contacted.

Respectfully submitted,

Syngenta Biotechnology, Inc.  
3054 E. Cornwallis Road  
Durham, NC 27709

  
Michael E. Yates  
Attorney for Applicants  
Reg. No. 36,063  
Telephone: 919-541-8587

Date: August 13, 2007



Attorney Docket No. 50009USNP1  
Application No. 09/887,272

**FILING BY "FIRST CLASS MAIL" UNDER 37 C.F.R. § 1.8**

I hereby certify that the following correspondence is being deposited with the United States Postal Service as "First Class Mail" with proper postage in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 13, 2007.

- 1) Renewed Petition Under 37 CFR § 1.137(b) (2 pages total)
- 2) Copy of the Filing Receipt dated March 5, 2007 for continuing application Serial No. 11/654,358
- 3) Return Postcard

Melissa Hardy

Name

A handwritten signature in cursive script, appearing to read "Melissa Hardy", written over a horizontal line.

Signature